

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
No. 3:22-cv-191

KANAUTICA ZAYRE-BROWN,

Plaintiff,

v.

NORTH CAROLINA DEPARTMENT OF
ADULT CORRECTION, et al.,

Defendants.

**JOINT STIPULATION FOR
PROCEDURE FOR FEBRUARY 20,
2024, EVIDENTIARY PROCEDURE**

Pursuant to the Court's directive, (*see* DE-92 at 15), the parties jointly present and stipulate to the following procedure for presenting evidence at the evidentiary hearing set to occur on February 20, 2024:

1. The parties agree that the presentation of evidence at the February 20, 2024, hearing will be limited solely to addressing these two issues identified by the Court:

- (a) Whether gender-affirming surgery is medically necessary for Ms. Zayre-Brown according to the WPATH Standards of Care; and
- (b) Whether the EMTO policy, specifically the DTARC and Dr. Campbell's role therein, amounts to a de facto ban on gender-affirming surgery for GD patients.

2. The parties further agree that neither party is waiving other factual or legal arguments or contentions that are not addressed at the February 20, 2024, evidentiary hearing.

3. The parties agree to split the time allotted for this hearing in half, with the time running while each party is questioning a witness (whether on direct or cross) and presenting arguments.

4. With respect to the time allotted for this hearing, Plaintiff's position is as follows: "Plaintiff respectfully requests a minimum of 3 hours for this hearing and would welcome more time at the Court's discretion."

5. With respect to the time allotted for this hearing, Defendants defer to the Court.

6. Either party may use up to 10 minutes for summation at the conclusion of hearing if they elect to do so and have time remaining.

7. Plaintiff will present testimony from Randi C. Ettner, Ph.D., followed by cross-examination and redirect.

8. Defendants will present three witnesses, Lewis Jon Peiper, Ph.D., Arthur Campell, M.D., and Brian Sheitman, M.D., followed by cross-examination and redirect.

9. Either party may introduce exhibits while examining a witness, whether on direct or cross examination.

10. Witnesses may address either or both issues identified by the Court.

11. The parties agree to exchange exhibits before the February 20, 2024, hearing.

12. The parties also agree to stipulate to the admissibility of such exhibits in advance, where possible, so as to streamline the presentation of testimony during the February 20, 2024, hearing.

This the 13th day of February 2024.

JOSHUA H. STEIN
Attorney General

/s/ Orlando L. Rodriguez
Orlando L. Rodriguez
Special Deputy Attorney General
NC Bar No. 43167
orodriguez@ncdoj.gov

Stephanie A. Brennan

Special Deputy Attorney General
NC Bar No. 35955
sbrennan@ncdoj.gov

NC Department of Justice
PO Box 629
Raleigh, NC 27602-0629
(919)716-6900
Attorneys for Defendants

/s/ Jaclyn A. Maffetore

Jaclyn A. Maffetore

NC Bar No. 50849

Daniel K. Siegel

NC Bar No. 46397

Michele Delgado

NC Bar No. 50661

ACLU OF NORTH CAROLINA

LEGAL FOUNDATION

P.O. Box 28004

Raleigh, NC 27611-8004

Tel: (919) 354-5070

Fax: (919) 869-2075

jmaffetore@acluofnc.org

dsiegel@acluofnc.org

mdelgado@acluofnc.org

Christopher A. Brook

NC Bar No. 33838

PATTERSON HARKAVY LLP

100 Europa Drive, Suite 420

Chapel Hill, NC 27517

Tel: (919) 942-5200

Fax: (866) 397-8671

cbrook@pathlaw.com

Jon W. Davidson*

(admitted only in California)

Li Nowlin-Sohl*

(admitted only in Washington)

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UNION FOUNDATION

125 Broad Street, 18th Floor

New York, NY 10004-2400

Tel: (212) 519-7887

Fax: (212) 549-2650

jondavidson@aclu.org

lnowlin-sohl@aclu.org

*admitted pro hac vice

Attorneys for Plaintiff